

GREGG F. PASTER
Gregg F. Paster & Associates
58 Main Street - 3rd Floor
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Ph.#: 201-489-0078 * Fax#: 201-489-0520
Attorneys on behalf of John Centrillo
and Borough of Dumont Police Department
for Punitive Damages Only

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Mark Van,

CIVIL ACTION No: 05-5595 (JLL)

Plaintiff

vs.

Borough of North Haledon, Chief
Joseph Ferrante, Lte. Todd Darby,
Det. David Parenta, John Doe 1
(individual holding a political
position in the Township of North
Haledon who participated in, was
knowledgeable of, or otherwise
conspired with the defendants to
harass and otherwise violate the
civil rights of Mark Van); John
Centrillo, and Borough of Dumont
Police Department; and Officer
Mark Roe, Borough of North
Haledon Police Department

**STATEMENT OF MATERIAL AND
UNDISPUTED FACTS**

Defendants.

TO:

Paul Faugno, Esq. Faugno & Associates, LLC 125 State Street, Suite 101 Hackensack, N.J. 07601	Anthony M. Rainone, Esq. Podvey, Meanor, Catenacci, Hildner, Coccoziello & Chattman One Riverfront Plaza Newark, N.J. 07109
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In accordance with Local Civ. R. 56.1, Defendants, Detective John Centrello ("Detective Centrello") and the Borough of Dumont Police Department ("Dumont P.D.") hereby set forth the following statement of fact as to which there is no material dispute:

1. Defendants shall rely upon and incorporate by reference the entire Statement of Undisputed Material Facts submitted by co-Counsel for these same Defendants, John Robertelli, Esq., in support of their Motion for Summary Judgment to Dismiss Plaintiff's Amended Complaint.

2. Defendants submit these additional facts in support of the within Notice of Motion for Summary Judgment, as to Punitive Damages only.

3. Number 19 of Defendants' Interrogatories on Plaintiff, Mark Van, requested the following:

State with specificity the factual basis for your punitive damages claims against Defendants John Centrello and the Dumont Police Department. In your response, provide all facts that you might rely on to show:

- a. the harm suffered by you was the result of acts/omissions of these Defendants;
- b. actual malice by these Defendants;
- c. wanton and mindful disregard of harm caused by these Defendants' actions/inactions;
- d. these Defendants had an awareness that serious harm would result from their conduct; and
- e. each and every action/inaction by these Defendants that you alleged caused you harm

(See Exhibit V of Co-Counsel Rivkin Radler's Motion to Dismiss, Defendants' First Set of Interrogatories Propounded upon Plaintiff by Borough of Dumont Police Department and Detective John Centrello).

4. Plaintiff's response to Interrogatory 19 set forth as follows:

Actions by John Centrillo was designed specifically with malice towards Mark Van, and were taken in a specific attempt to deprive Mark Van of his opportunity to be a police officer with the Township of Harrington Park or any other police department. Any time a police officer knowingly violates his legal obligation, he is obstructing

an investigation, he is acting maliciously and is wanton disregard of the right of the individual being investigated.

(See Exhibit W of Co-Counsel Rivkin Radler's Motion to Dismiss, Plaintiff's Answers to Interrogatories).

Dated: December 8, 2008

A handwritten signature in blue ink, appearing to read "Monica Y. Cho", is positioned above a horizontal line.

MONICA Y. CHO
Attorney for Defendants, John
Centrillo and the Borough of Dumont
Police Department (Punitive Damages
Only)

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**ORDER GRANTING
MOTION TO
DISMISS**

Defendants.

THIS MATTER having been opened to the Court on the motion of
Defendants John Centrello and The Borough of Dumont Police
Department, to dismiss Plaintiff's First Amended Complaint,
pursuant to Fed. R. Civ. P. 56, and the Court having reviewed the
submissions and heard argument of the parties in support of and
in opposition to the motion; and for good cause having been
shown;

IT IS ON THIS day of 2009;

ORDERED AS FOLLOWS:

1. The Motion to Dismiss on behalf of John Centrello and the Borough of Dumont Police Department on the issue of punitive damages, is hereby granted;

2. A copy of this Order shall be served upon all counsel within seven (7) days of receipt hereof by counsel for Movant.

Hon. Jose L. Linares, U.S.D.J.

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**DECLARATION OF ELECTRONIC
SERVICE AND FILING**

Defendants.

I, Monica Y. Cho, Esq. hereby declare that on the date set forth below, I caused the Notice of Motion to Dismiss, Declaration of Counsel, Memorandum of Law, and proposed form of Order to be filed electronically with the Clerk of the United States District Court for the District of New Jersey, and to be served on all counsel of record as set forth below, by filing the motion papers with the Court's Electronic Case Filing System.

Counsel List:

Paul Faugno, Esq.
Faugno & Associates, L.L.C.
125 State Street, Suite 101
Hackensack, N.J. 07601

John Robertelli, Esq.
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21 Main Street, Suite 158
Hackensack, N.J. 07601

Anthony Rainone, Esq.
Podvey, Meanor, Catenacci, Hidner, Coccoziello & Chattman
One Riverfront Plaze, 8th Floor
Newark, N.J. 07102

I declare, pursuant to 28 U.S.C. §1746, the foregoing
statements are true under penalty of perjury.

Dated: December 8, 2008



MONICA Y. CHO
Attorney for Defendants, John
Centrillo and the Borough of Dumont
Police Department (Punitive Damages
Only)